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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,929	10/22/2001	Atsushi Otera	110926	8454

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 03/25/2004

849

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,929

Applicant(s)

OTERA, ATSUSHI

Examiner

ANTHONY J BLACKMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE six MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>1/13/04</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/03</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JOSHI et al, US Patent no. 5,982,381 in view of KAWAMURA et al, US Patent No. 5,222,159.
3. As per claim 1, JOSHI et al, examiner interprets JOSHI et al to suggest an image apparatus (figure 1), comprising: an image display unit (figure 1, element 18); and an image reproduction module that generates display video data (figure 1, element 38 and column 3, lines 3-15), which is to be displayed on the image display unit (column 3, lines 3-15), the image reproduction module (figures 4 and 5) having an image transition controller (figure 1, element 10) that uses a predetermined image selection mask to process a first image and a second image and thereby generate the display video data in the case of changing display on the image display unit from the first image to an image including the second image in at least part of a display area of the first image (figures 4-5, column 1, line 56-column 2, line 15),

wherein the image controller (figure 1, element) comprises: a storage module that stores therein the first image, the second image (figure 1, element 24, column 2, line 63-column 3, line 2), however, does not explicitly teach "... and a base selection mask having an image area of a smaller size than the at least part of the display area, wherein the image area comprises a first area in which the first image is selected and a second area in which the second area is selected; a selection mask conversion module that converts the base selection mask into the image selection mask having an image area of an identical size with at least part of the display. KAWAMURA et al suggests the aforementioned limitations as follows: and a base selection mask having an image area of a smaller size than the at least part of the display area (figures 10-13, 24a-b, column 5, line 66-column 6, line 42, and column 10, lines 33-45), wherein the image area comprises a first area in which the first image is selected and a second area in which the second area is selected (figures 10-13, 24a-b, column 5, line 66-column 6, line 42, and column 10, lines 33-45); and a selection mask conversion module that converts the base selection mask into the image selection mask having an image area of an identical size with at least part of the display (figures 10-13, 24a-b, column 5, line 66-column 6, line 42, and column 10, lines 33-45). It would have been obvious to one skilled in the art at the time of the invention to utilize the mask processing circuit 206 of KAWAMURA et al to modify the method and apparatus for modifying a cutout image for compositing including reiterative mask generation means and scaling means of JOSHI et al because both inventions at least similar technological areas related to obscured image recognition.

Additionally, because KAWAMURA et al's "...mask boundary data is stored into the mask memory, the image converting processes such as enlargement, reduction, rotation, etc., can be performed by use of the mask memory of a small capacity without limiting the mask shape (abstract, lines 10-14)" provides a more detailed database structure/storage capacity to manipulate display attributes.

4. As per claim 2, JOSHI et al as modified meet limitations of claim 1, and suggest, "...wherein the selection mask conversion module obtains the image selection mask through expansion/contraction of the base selection mask (figure 4, elements 82 and 90 suggest scaling and a reiterative process to further change the sizing). It would have been obvious to one skilled in the art at the time of the invention to utilize the mask processing circuit 206 of KAWAMURA et al to modify the method and apparatus for modifying a cutout image for compositing including reiterative mask generation means and scaling means of JOSHI et al because both inventions at least similar technological areas related to obscured image recognition. Additionally, because KAWAMURA et al's "...mask boundary data is stored into the mask memory, the image converting processes such as enlargement, reduction, rotation, etc., can be performed by use of the mask memory of a small capacity without limiting the mask shape (abstract, lines 10-14)" provides a more detailed database structure/storage capacity to manipulate display attributes.

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5. As per claim 3, JOSHI et al as modified meet limitations of claim 2, and suggest "...wherein the selection mask conversion module obtains the image selection mask by setting the base selection mask as one block data and repeating the block in a two-dimensional manner (figure 4, elements 82 and 90 suggest scaling and a reiterative process to further change the sizing). It would have been obvious to one skilled in the art at the time of the invention to utilize the mask processing circuit 206 of KAWAMURA et al to modify the method and apparatus for modifying a cutout image for compositing including reiterative mask generation means and scaling means of JOSHI et al because both inventions at least similar technological areas related to obscured image recognition. Additionally, because KAWAMURA et al's "...mask boundary data is stored into the mask memory, the image converting processes such as enlargement, reduction, rotation, etc., can be performed by use of the mask memory of a small capacity without limiting the mask shape (abstract, lines 10-14)" provides a more detailed database structure/storage capacity to manipulate display attributes.

6. As per claim 4, JOSHI et al as modified meet limitations of claim 1, and suggest, " wherein the selection mask conversion module obtains the image selection mask by setting the base selection mask as one block data and repeating the block data in a two-dimensional manner (figure 4, elements 82 and 90 suggest scaling and a reiterative process to further change the sizing). It would have been obvious to one skilled in the art at the time of the invention to

utilize the mask processing circuit 206 of KAWAMURA et al to modify the method and apparatus for modifying a cutout image for compositing including reiterative mask generation means and scaling means of JOSHI et al because both inventions at least similar technological areas related to obscured image recognition. Additionally, because KAWAMURA et al's "...mask boundary data is stored into the mask memory, the image converting processes such as enlargement, reduction, rotation, etc., can be performed by use of the mask memory of a small capacity without limiting the mask shape (abstract, lines 10-14)" provides a more detailed database structure/storage capacity to manipulate display attributes.

7. As per claim 5, JOSHI et al as modified meet limitations of claim 1, and further suggest, "... wherein the image reproduction module further comprises an interface that is capable of reading data stored in a portable recording medium figure 1, elements from block 36), and at least one of video data representing the first image and the second image is read from a recording medium connected to the interface (figures 1 and 4 and 5). It would have been obvious to one skilled in the art at the time of the invention to utilize the mask processing circuit 206 of KAWAMURA et al to modify the method and apparatus for modifying a cutout image for compositing including reiterative mask generation means and scaling means of JOSHI et al because both inventions at least similar technological areas related to obscured image recognition. Additionally, because KAWAMURA et al's "...mask boundary data is stored into the mask memory, the image

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converting processes such as enlargement, reduction, rotation, etc., can be performed by use of the mask memory of a small capacity without limiting the mask shape (abstract, lines 10-14)" provides a more detailed database structure/storage capacity to manipulate display attributes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MIYAZAKI et al, US Patent No. 4,868,884 disclose image extraction mask means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached Monday-Friday from 8am-5pm.

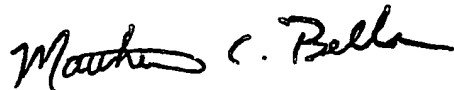
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600